



JON S. CORZINE
Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
New Jersey State Board of Physical Therapy Examiners
124 Halsey Street, 6th Floor, Newark, NJ 07102



ANNE MILGRAM
Attorney General

DAVID SZUCHMAN
Director

July 9, 2008

By Certified and Regular Mail

Mark Calabria, P.T.
697 North 1st Road
Hammonton, New Jersey 08037

Mailing Address:
P.O. Box 45014
Newark, NJ 07101
(973) 504-6455

Re: Modified Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Mr. Calabria:

This letter is to advise you that the New Jersey State Board of Physical Therapy Examiners (the "Board") has had an opportunity to review information concerning the physical therapy services provided at Hammonton Orthopedic & Sports Physical Therapy, located in Hammonton, New Jersey. Specifically, the information reviewed included the following: 1) a complaint filed with the Board on or about April 27, 2006 by Paul Cohen, concerning the Occupational Therapy rendered by Mark Calabria, P.T. to his son, S. C. from on or about September 20, 2005 through on or about February 23, 2006; 2) the patient and billing records of S. C.; and 3) the testimony that you provided at the investigative inquiry held on April 10, 2007, which you attended represented by Joel Korin, Esquire.

Preliminarily, based upon its review of all available information, it appears to the Board that probable cause exists to support a finding that you violated N.J.S.A. 45:1-21(n) in that you permitted aides employed at the facility, who are unlicensed persons to perform tasks that require a physical therapy license. The task included allowing aides to supervise patients during the performance of exercises.

Upon questioning, you testified on April 10, 2007 that the facility employs about twelve to fourteen aids. Twelve of these aides are full time employees. You also informed the Board that the physical therapy aides at the facility are taught the exercise programs and they know the proper techniques to be implemented by the patient. Although you testified that the aides are not authorized to change the patient's exercise program, you informed the Board that the aides supervise the patients during the performance of the exercise programs to ensure that the patients are using the correct form.

Upon review of all available information, it appears to the Board that probable cause exists to support a finding that you violated N.J.S.A. 45:1-21(n) in that you admitted to allowing aides, who are unlicensed employees, to supervise patients during exercise programs developed by the physical therapist. The delegation of tasks to unlicensed person is governed by N.J.A.C. 13:39A-2.4.

At this juncture, the Board has preliminarily concluded that the above violations ~~are~~ sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

15pk
NWZ

1. Respondent is hereby reprimanded for aiding and abetting unlicensed aides in the performance of tasks within the scope of practice for a licensed physical therapist in violation of N.J.S.A. 45:1-21(n) and N.J.A.C. 13:39A-2.4.

2. Respondent is cautioned to review the definitions of CPT codes with his staff and to provide that all licensees are applying CPT codes that appropriately reflect the services and level of skill provided to the patient.

3. Respondent shall pay a penalty in the amount of \$1,250 for the violation of N.J.S.A. 45:1-21(n) to be paid immediately upon signing of the acknowledgment at the bottom of this letter. Payment is to be made by certified check or money order and made payable to the Board of Physical Therapy Examiners and sent to the attention of Lisa Petrowski, Assistant to the Executive Director, P.O. Box 45014, Newark, New Jersey 07101.

4. Respondent shall pay costs in the amount of \$360.00 to be due and owing upon signing of the acknowledgment at the bottom of this letter and to be mailed by certified check or money order and made payable as indicated in paragraph #3 above.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of formal disciplinary action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order, requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you speak to your attorney, Mr. Joel Korin, who should contact Deputy Attorney General Carmen A. Rodriguez at (973) 648-3696 with any questions or concerns.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of formal disciplinary action.

NEW JERSEY STATE BOARD OF
PHYSICAL THERAPY EXAMINERS



By:
Nancy Kirsch, P.T. , Ph.D
Chair

ACKNOWLEDGMENT: I, Mark Calabria, P.T. , hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to accept the formal reprimand and to pay a penalty in the amount of \$1,250. 00 and costs in the amount of \$360.00 for a total of \$1610.00 to be paid upon signing of this acknowledgment.


Mark Calabria, P.T.

Dated:

cc: Joel Korin, Esquire
Carmen A. Rodriguez, Deputy Attorney General